

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LAMBDA LABS, INC.,

Plaintiff,

v.

LAMBDA, INC.,

Defendant.

Case No. 19-cv-04060-JST (TSH)

DISCOVERY ORDER

Re: Dkt. Nos. 124, 127

Lambda Labs moves to compel on several forms of discovery concerning Lambda School's Red Lambda marks, including requests for production, Rule 30(b)(6) deposition topics, interrogatories and requests for admission. Labs also seeks an order requiring School to meet and confer concerning document production issues related to the Red Lambda marks. ECF No. 124.

By way of background, School's counterclaims (as they exist now) allege that Labs infringes School's Red Lambda marks. ECF No. 52 (counterclaims 1, 2 and 3). Labs alleges in its amended complaint that School doesn't own the marks. ECF No. 47 (claim 6). School has filed a motion to dismiss all of its counterclaims that Labs infringes the Red Lambda marks. ECF No. 121. That motion is noticed for a March 18, 2021 hearing, which is after the February 26, 2021 close of fact discovery. Labs argues that discovery about the Red Lambda marks is relevant because School's counterclaims are still pending, at least for the moment, and because even if they are later dismissed, Labs still has its own claim concerning those marks.

Labs is technically correct that, as of this writing, discovery about the Red Lambda marks is relevant. But the Court must also decide if it is proportional to the needs of the case, *see* Fed. R. Civ. Proc. 26(b)(1), and in construing that requirement, the Court must strive for "the just, speedy, and inexpensive determination of every action and proceeding." Fed. R. Civ. Proc. 1. It seems

1 unlikely that Judge Tigar will force School to litigate claims it wants to dismiss because courts
2 don't usually do that. And once School's infringement counterclaims about the Red Lambda
3 marks are gone, Labs' standing to claim that School doesn't own those marks seems like it
4 evaporates. In this situation, the Court concludes that the amount of additional discovery
5 concerning the Red Lambda marks that is proportional to the needs of the case is nothing. The
6 discovery Labs seeks to take is wasteful, and its motion to compel is denied.

7 **IT IS SO ORDERED.**

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9 Dated: February 4, 2021

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11 THOMAS S. HIXSON
12 United States Magistrate Judge
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